

REMARKS

The Examiner has revised the current rejection in light of new prior art and a reformulated rejection. As set forth below, such new rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims. Since the subject matter of such dependent claims was already considered by the Examiner, it is asserted that such claim amendments would not require new search and/or consideration.

The Examiner has objected to Claims 1, 15 and 18 due to formalities. Specifically, the Examiner has stated that it is unclear where the utterances come from and that the "speech recognition portal" is incorrectly claimed as an output of a system because speech recognition is used for input speech. First, applicant cancelled the "utterance" claim language in each of the independent claims in Amendment A dated 1/28/2005. Second, applicant respectfully asserts that, as claimed, "the user is informed audibly via a speech recognition portal" (emphasis added), such that the claimed portal is capable of providing information via audio to a user, and not that the speech recognition portal is the output, as the Examiner contends.

The Examiner has rejected Claims 1, 5-8, 10-15, 18 and 21-29 under 35 U.S.C. 102(e) as being anticipated by Alpdemir (U.S. Patent No. 6,658,389). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has amended each of the independent claims to incorporate the subject matter of former Claims 6, 10 and 13.

With respect to the subject matter of Claim 6, presently incorporated into each of the independent claims, the Examiner has relied on Claim 1, Col. 13, lines 45-52 to make a prior art showing of applicant's claimed technique "wherein the input associated with the entity includes input representative of criteria of the user, and wherein the locations of

- 8 -

the entity ascertained to be in proximity to the location of the user satisfy the criteria of the user."

Applicant respectfully asserts that such excerpt only discloses "determining the geographic location of the caller, and providing an information having geographical context to the caller based on said determined geographic caller location." Clearly, Alpdemir is only teaching providing information based on a geographic location of a caller, but not that locations of an entity are provided, let alone where such locations of the entity are "in proximity to the location of the user [and] satisfy the criteria of the user." as specifically claimed by applicant (emphasis added).

With respect to the subject matter of Claim 10, presently incorporated into each of the independent claims, the Examiner has relied on Col. 5-6 to make a prior art showing of applicant's claimed "facilitating communication between the user and at least one of the locations of the entity ascertained to be in proximity to the location of the user."

Applicant respectfully asserts that the columns in Alpdemir relied on by the Examiner only teach that a business user is "requested to record a short message 214 that will be heard by the callers 101 who request the business user's phone number 216" and that the business user may be "requested to provide an additional longer message 218 that may be or include a special promotion 220, directions to the business location 222, or any other information 224 that will provide additional information to the callers." Thus, clearly Alpdemir only teaches providing pre-recorded messages to callers, and not that any sort of "facilitat[ion of] communication between the user and at least one of the locations of the entity ascertained to be in proximity to the location of the user," as claimed by applicant (emphasis added).

With respect to the subject matter of Claim 13, presently incorporated into each of the independent claims, the Examiner has relied on the ratings disclosed in Col. 15 to make a prior art showing of applicant's claimed "determining which of the identified locations of the entity is closest to the location associated with the user." Applicant

- 9 -

respectfully asserts that the ratings disclosed in Alpdemir are provided from users (see Col. 15, lines 30-31) and then are utilized to "provide a consumer with a referral to a merchant having a predetermined rating" (see Col. 15, lines 36-39). Simply nowhere does Alpdemir disclose "determining which of the identified locations of the entity is closest to the location associated with the user" (emphasis added), which is clear by the fact that Alpdemir's rating system is based on information provided by users for the referral of future users.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Alpdemir reference, especially in view of the amendments made hereinabove. A notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. For example, with respect to Claim 7, the Examiner has relied on Claim 1, Col. 13, lines 45-52 to make a prior art showing of applicant's claimed technique "wherein the criteria of the user include at least one of: a location of the entity currently holding a sale and a currently open location of the entity."

Applicant respectfully asserts that such excerpt simply discloses "providing an information...to the caller...said information [including]...a geographically-based promotion, a geographically based audio coupon delivery, and combinations thereof." Clearly providing a promotion to a user where the promotion is based on a geographic

- 10 -

location of a user does not meet applicant's specific claim language, namely that "the criteria of the user include[s] at least one of: a location of the entity currently holding a sale and a currently open location of the entity" (emphasis added).

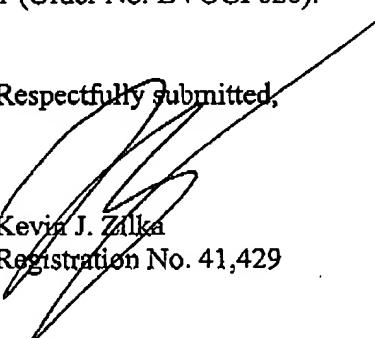
Again, since the Alpdemir reference fails to meet all of applicant's claim language, as noted above, a notice of allowance or a specific prior art showing of each of the foregoing claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. BVOCP020).

Respectfully submitted,


Kevin J. Zilka
Registration No. 41,429

P.O. Box 721 120
San Jose, CA 95172-1120
408-505-5100